



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

Ms. Johanna McCully-Bonner
General Counsel
Texas Department of Housing and Community Affairs
P.O. Box 13941
Austin, Texas 78711-3941

OR95-1024

Dear Ms. McCully-Bonner:

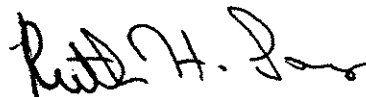
You have asked if certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35826.

The Texas Department of Housing and Community Affairs (the "department") received a request for "all Board information and internal/external public records relating to the reorganization of the Texas Department of Housing and Community Affairs." You indicate you have released to the requestor all responsive information except for the tape recordings of closed executive sessions, which you contend are confidential under section 552.101.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." We agree that the tape recordings of closed executive sessions are made confidential by law and thus may not be disclosed to the requestor. Section 551.146 of the Government Code provides that it is a criminal offense to disclose to a member of the public a tape recording of a closed meeting. A tape recording of a closed meeting is available for public inspection and copying only under a court order. Gov't Code § 551.104; *see also* Open Records Decision Nos. 563 (1990) at 6, 495 (1988) at 4 (tape recordings of closed meetings are confidential unless a court rules otherwise).

We are resolving this matter with an informal letter ruling rather than with a published open records decision.¹ This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 35826

cc: Mr. David L. Williams
7205 Lamplight Lane
Austin, Texas 78731

¹Because this information is confidential by law, we need not consider your other arguments against disclosure.